IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16243 of 2004

-

Between:

Jakka Subbaraju, S/o. Subbaiah Chetty @ Krishna

Chetty, R/o. 284 New Street Tirupathi Rural, Chittoor

District.

..... PETITIONER

AND

-

1 The District Collector, Chittoor.
2 The Assistant Commissioner of Endowments, Chittoor.
3 Revenue Divisional Officer, Chittoor.
4 Mandal Revenue Officer, Tirupathi Rural, Chittoor

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the petitioner schedule property in R.S.No.46 of an extent of Ac.4-23 cents of Daminedu Village accounts (Old Chandragiri Taluk) New Tirupathi Rural Mandal Chittoor District and declare the same as illegal, arbitrary unconstitutional and involve of Art. 14, 21 and 300-A of the Constitution of India and in violation of principles of natural justice.

Counsel for the Petitioner: Mr.P.Jagadish Chandra Prasad

Counsel for Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pelader for Revenue. Both have no objection for disposal of the writ petition at the stage of admission.

The petitioner, in whose favour ryotwari patta was granted under Section 11(a) of the Estate Abolition Act, 1948 in proceedings Sr.No.2/11(a)/83/CTR dated 14-2-1983 over an extent of Acs.4.23 in Rs.No.46 of Deminedu village, Chandragiri Taluk, Chittoor District, filed the present writ petition complaining that the respondents are trying to interfere with the peaceful possession and enjoyment of the petitioner's property without issuing any notice.

Once the ryotwari patta is granted in favour of the petitioner, he is entitled to cultivate the land over the extent for which ryothwari patta is granted. Unless the said patta is cancelled, the respondents cannot interfere with the possession of the petitioner, without following the due procedure that too without issuing any notice. Hence, the petitioner cannot be deprived of from the property, which he is entitled to under the ryotwary patta.

With the above observation, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

13th September, 2004.

Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Chittoor.
2 The Assistant Commissioner of Endowments, Chittoor.
3 Revenue Divisional Officer, Chittoor.
4 Mandal Revenue Officer, Tirupathi Rural, Chittoor

District.

5 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

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